

MAR 1 2 2007

Application No. 10/684,432  
Reply to Office Action of December 12, 2006

Docket No.: R2184.0266/P266

**REMARKS**

Claims 1-12 are pending. Claims 1 and 9-12 have been amended. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claims 10 and 11 stand rejected under 35 U.S.C. § 101. Applicant respectfully traverse the rejection. Claims 10 and 11 have been amended to overcome the rejection.

Claims 1-2, 4-6 and 9-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,978,336 ("Mine et al."). Applicant respectfully traverse the rejection.

The present invention relates to a data recording device having a recording unit that records data in a recording medium, the recording unit having a determination unit and a dummy data recording unit. An important feature of the claimed invention as recited in claim 1 is the recording unit having "a dummy data recording unit that records dummy data in [a] first region when [a] determination unit determines that the first region is unrecorded." (FIGS. 4-6). Further, in the claimed invention, it is necessary to manage statuses of "recorded" or "unrecorded" for each Error Correction Code (ECC) block by bitmap because the dummy data are recorded prior to finalization. Another feature of the present invention is that even when the dummy data are "recorded," the status of the dummy data is set to be "unrecorded and under management." The claimed invention has several advantages: (i) it enables recording and reproduction of data from any place of the user data region on the recording medium; and (ii) the dummy data is recorded in a first region when it is determined that the first region is unrecorded. Mine et al. fails to disclose or suggest this important aspect of the invention. Mine et al. is directed to an

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optical disk finalization method and apparatus in which an unrecorded block map is created S50, an area is assigned for recording dummy data for finalization based on the unrecorded block map S60 and a dummy data is recorded in the areas to be recorded with the dummy data S70. For at least this reason, the § 102(b) rejection of claim 1 should be withdrawn and the claim allowed.

Claims 2, 4-6 and 9-12 either depend from claim 1 or recite limitations similar to those discussed above. Claims 2, 4-6 and 9-12 should be allowable along with claim 1 and for other reasons.

Claims 1, 3 and 5-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,243,338 ("Mine"). Applicant respectfully traverse the rejection.

An important feature of the claimed invention as recited in claim 1 is the recording unit having "a dummy data recording unit that records dummy data in [a] first region when [a] determination unit determines that the first region is unrecorded." (FIGS. 4-6). Mine et al. fails to disclose or suggest this important aspect of the invention. Mine is directed to a recording apparatus and a method of recording in which a finalizing process determines whether each block is recorded or unrecorded. On the other hand, the present invention is related to recording dummy data into a region immediately prior to the region where data are to be recorded. Further, in the present invention, dummy data are recorded before finalization and therefore, it is necessary to manage status of "recorded" or "unrecorded" for each ECC block by bit map. For at least this reason, the § 102(b) rejection of claim 1 should be withdrawn and the claim allowed.

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Claims 3 and 5-8 depend from claim 1. Claims 3 and 5-8 should be allowable along with claim 1 and for other reasons.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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